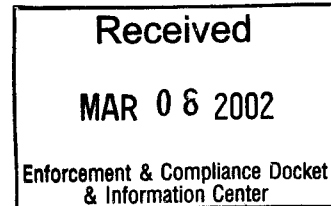




**G L A T F E L T E R**  
*Beyond Paper*

EC-2000-007  
IV-D-168

United States Environmental Protection Agency  
Enforcement and Compliance Docket and Information Center  
Mail Code 2201A  
Attn: Docket Number EC-2000-007  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460



Re: Comments on EPA Proposed Rule  
Establishment of Electronic Reporting; Electronic Recordkeeping

Dear Sir or Madam:

This letter presents comments of the P. H. Glatfelter Company (Glatfelter) regarding EPA's proposed rule titled "Establishment of Electronic Reporting; Electronic Recordkeeping". The proposed rule, commonly referred to as the Cross-Media Electronic Reporting and Recordkeeping Rule or CROMERRR, was published in the August 31, 2001 Federal Register beginning at 66 FR 46162. The comment period for the proposal was subsequently extended and supplemental notice given by Federal Register notices published November 28, 2001 (66 FR 59392) and January 3, 2002 (67 FR 278).

The P. H. Glatfelter Company (Glatfelter) is a global manufacturer of specialty papers and engineered products employing more than 1,500 people in the United States and 2,400 people worldwide. Glatfelter's US manufacturing operations consist of an integrated Kraft pulp and papermaking facility in Spring Grove, Pennsylvania and a recycled papermaking facility in Neenah, Wisconsin. Both of these facilities are subject to significant recordkeeping and reporting requirements established in Title 40 of the Code of Federal Regulations under the Clean Air Act, Clean Water Act, Emergency Planning and Community Right-to-Know Act and Resource Conservation and Recovery Act. In addition to these Federal requirements, the facilities are also subject to reporting and recordkeeping requirements under their respective State environmental protection programs. Glatfelter currently uses an extensive number of "electronic records," as that term is defined in the CROMERRR proposal, to comply with all of these recordkeeping and reporting requirements. These electronic records, however, do not meet the requirements set forth for such records in the CROMERRR proposal.

Glatfelter's main concerns, and the focus of these comments, are with the recordkeeping provisions in Subparts A, C and D of the CROMERRR proposal. As detailed later, Glatfelter's concerns are as follows: First, that compliance with the recordkeeping provisions of CROMERRR would be mandatory for facilities like Glatfelter's despite the preamble's description of it as a "totally voluntary" (66 FR 46162). Second, that on its effective date, CROMERRR would render tremendous volumes of existing electronic records inadequate for

compliance purposes and would result in widespread non-compliance with other environmental recordkeeping requirements. And third, that the costs required to purchase and maintain electronic systems compliant with CROMERRR's recordkeeping provisions would be extraordinary, unnecessary, and several orders of magnitude higher than that projected by EPA in its cost-benefits analysis. For these reasons, Glatfelter believes that EPA should withdraw the CROMERRR proposal. If the proposal is not withdrawn entirely, the recordkeeping provisions in Subparts A, C and D should be deleted.

1. Compliance with CROMERRR's recordkeeping requirements would be mandatory, not voluntary.

The preamble to the CROMERRR proposal indicates that "electronic reporting and recordkeeping is voluntary and will only apply to ... regulated entities that seek to maintain records or transmit compliance reports electronically..." (66 FR 466186) and that the proposal is "a set of criteria that will have to be met by regulated entities that maintain electronic records in lieu of paper records to satisfy record-keeping requirements under EPA regulations in Title 40 of the CFR" (66 FR 46169). The CROMERRR definition of an electronic record is very broad: it is "any combination of text, graphics, data, audio, pictorial, or other information represented in digital form that is created, modified, maintained, archived, retrieved or distributed by a computer system." Glatfelter currently maintains a tremendous number of electronic records to meet its recordkeeping and reporting obligations under EPA's Title 40 regulations and authorized state environmental programs. Glatfelter uses electronic records in environmental data handling wherever possible to improve efficiency, accuracy, availability and ease of data retrieval. As detailed below, many of Glatfelter electronic records would be impossible or impractical to convert to, and/or keep as, paper records. Thus, Glatfelter would have no choice but to implement the CROMERRR provisions for electronic records.

The electronic records of Glatfelter's Spring Grove, Pennsylvania facility include data measured and recorded by 19 Continuous Emission Monitoring Systems (CEMS) comprised of 27 individual continuous emissions monitors. Operation of these CEMS and maintenance of the recorded data is required to comply with a number of Title 40 regulations and authorized state environmental programs including NSPS in 40 CFR Part 60, the facility's Title V Operating Permit issued pursuant to 40 CFR Part 70, and the Pennsylvania SIP regulations codified in 40 CFR Part 52. The CEMS measure stack gas streams continuously, and electronically record a measurement once every 10 seconds. The 10-second data points are converted into one-minute averages and are stored on a PC. The stored data is processed by the CEMS's data acquisition and handling systems (PCs) to generate various EPA-required and state agency-required reports.

The electronic CEMS data records do not meet the criteria for electronic records in the CROMERRR proposal. These CEMS data handling systems could not be converted to paper-based records systems because the required data reports must be submitted in electronic format, some on diskette and some by electronic submission mechanism. Technically, portions of the systems *could* be converted to paper-based records systems by recording CEMS data on strip charts instead of computers. This would avoid mandatory compliance with the CROMERRR provisions for those particular records. However, given the volume of data that would have to be processed in order to generate the required reports (over 38,800 data points per day) this is not a

viable option. Manually processing that quantity of data would not only be unreasonably burdensome, but it would invariably lead to errors in calculated parameters and data reports. All reported data would have to be typed into electronic format for submittal to EPA and PA DEP, thus introducing the likelihood of data entry errors. This would be in direct contrast to EPA's stated goals of improving data quality by eliminating rekeying of data and improving the speed and ease with which data could be accessed (66 FR 46163).

Other electronic records maintained by Glatfelter's facilities are wastewater treatment plant operating parameters and effluent characteristics. Monitoring and recording this data is required by the facilities' NPDES permits issued pursuant to the Clean Water Act under 40 CFR Parts 123, 401 and 430 and the authorized State environmental programs. Some of the required data is monitored and recorded directly by computer-based systems while other data is recorded manually on log sheets then keyed into Microsoft Excel spreadsheets for processing into the required monthly Discharge Monitoring Reports. Excel cannot produce data records that meet the CROMERRR electronic recordkeeping requirements. As with the CEMS data, it would be impractical and would introduce more potential for errors by converting these record systems to paper-based systems.

Another area where Glatfelter makes extensive use of electronic records is in compliance with the requirements of the Toxic Chemical Release Reporting regulation in 40 CFR Part 372 and the state SIP regulations for source and emission inventory reporting codified in 40 CFR Part 52. The data and calculations used to generate these reports are stored in Microsoft Excel spreadsheets. The "input" data used to calculate TRI releases and state emission inventories are electronic records from a variety of sources including Glatfelter's mainframe computer system, process and boiler distributed control systems (DCS) and programmable logic controllers (PLC), and OSI PI data historians. None of these systems generate electronic records that meet the CROMERRR recordkeeping requirements, and conversion of these systems to paper-based records systems would not be feasible because their primary business function, which is not environmental record generation, requires computerized data processing.

As a final example, Glatfelter also makes extensive use of Excel spreadsheets to store and process the data it must record and report for compliance with the facilities' Title V Operating Permits issued pursuant to 40 CFR Part 70. As with the TRI and emission inventory data discussed above, some of this data is derived from electronic records generated by other computer-based systems.

The above examples give some indication of the extent to which Glatfelter currently uses electronic records to meet its obligations under Title 40 of the CFR and authorized State environmental programs. As described above, it would be burdensome and inefficient, and would degrade data quality, to use paper records in place of the majority of these electronic records. It would be impossible to use paper records in place of others. As such, compliance with CROMERRR would be mandatory for Glatfelter. Glatfelter believes that a large majority of the regulated community would likewise find that implementation of CROMERRR recordkeeping requirements was mandatory. This is not reflected in EPA's cost-benefit analysis, which assumes that only 0.5% of the regulated community would implement CROMERRR electronic recordkeeping due to the high cost of such implementation.

2. The CROMERRR proposal does not show recognition that electronic recordkeeping is already a widespread practice, and implies that electronic records are not currently allowed under existing Title 40 and authorized state environmental program regulations.

The preamble to the CROMERRR proposal states that “[t]he proposed rule will remove existing regulatory obstacles to electronic reporting and record-keeping across a broad spectrum of EPA programs” (66 FR 46163). It also states that “EPA will only begin to allow electronic records to satisfy a specific EPA recordkeeping requirement once EPA has provided public notice stating that electronic records will satisfy the identified requirement” (66 FR 46162), and that “[r]ecords...maintained under an authorized State or tribal program can only be maintained electronically once EPA has approved the necessary changes to the authorized program” (66 FR 46168). Subpart A of the CROMERRR proposal would codify these provisions and require that any electronic records maintained in satisfaction of Federal or approved state environmental regulations meet the strict requirements specified for electronic records in the proposal’s Subpart C. This erroneously implies that electronic records are not currently allowed under existing Title 40 regulations and authorized state environmental program regulations. On the contrary, a number of Federal and authorized state environmental regulations specifically require or allow the use of electronic records. Some of those requirements applicable to Glatfelter’s facilities are the Toxic Release Inventory Reporting requirements in 40 CFR Part 372 and the continuous emissions monitoring requirements in 40 CFR Parts 75 and 97 and 25 Pa. Code Chapters 123, 139 and 145. Many other environmental regulations do not specify the required media (paper or electronic) for records, nor do they prohibit the use of any particular media. Some of these applicable to Glatfelter’s facilities include requirements in 40 CFR Parts 60 (Subparts Db, BB and Kb), 63 (Subparts S, KK and MM), 129, and 133. Also, 25 Pa. Code Chapters 123, 129 and 135 in Pennsylvania, and Wisconsin Administrative Code NR 284 in Wisconsin.

Given that the CROMERRR proposal would *allow* facilities to *begin* keeping electronic records, it does not show recognition that electronic records are already being maintained by facilities to comply with Federal and State environmental recordkeeping requirements. As noted above, Glatfelter maintains a very large number of records that were generated by and are maintained on systems that do not meet the CROMERRR recordkeeping requirements. Subpart C of the CROMERRR proposal states in §3.100 that “An electronic record or electronic document will satisfy a recordkeeping requirement of an EPA-administered federal environmental program under this Title only if it is generated and maintained by an acceptable electronic record-retention system as specified under this subsection.” §3.3000 in Subpart D provides the equivalent requirement for EPA-approved State environmental regulations. Thus, on its effective date, CROMERRR would render Glatfelter’s existing electronic records inadequate for compliance purposes and would result in large-scale noncompliance with its environmental recordkeeping obligations. Glatfelter believes there are hundreds, if not thousands, of other facilities for which this would be the case.

3. The costs required to purchase and maintain electronic recordkeeping systems compliant with CROMERRR's recordkeeping provisions are extraordinary, unnecessary, and several orders of magnitude higher than that projected by EPA.

As noted previously, Glatfelter's existing electronic recordkeeping systems do not meet the proposed CROMERRR requirements. The technology required to meet those requirements is very expensive and not widely available, which is apparently recognized by EPA through its estimation that only 0.5% of the regulated community would choose to implement the CROMERRR recordkeeping provisions. Glatfelter's IT personnel are doubtful that an existing recordkeeping solution is currently available on the market that would meet all the CROMERRR requirements for the many data systems Glatfelter uses in environmental recordkeeping. There is likely some software available with a majority of the required functionality for some of the systems. However, Glatfelter believes that extensive customization would be required to interface with a number of its existing data collection and distributed control systems. Depending on the level of customization required, implementation of CROMERRR-compliant systems would be expected to take 8 to 24 months.

EPA's cost-benefit data indicates that the average cost to implement CROMERRR-compliant recordkeeping systems would be \$40,000 per facility. Glatfelter believes this cost is severely understated. Glatfelter estimates that implementing just a document management system that meets CROMERRR requirements would cost it anywhere from \$1 million to \$5 million. Including the cost of interfacing with or replacing its existing data collection and distributed control systems, the cost to implement CROMERRR-compliant recordkeeping systems at Glatfelter would approach \$10 million. Note that these costs would be solely to make Glatfelter's existing electronic recordkeeping systems compliant with the CROMERRR requirements. There would be no accompanying benefit of increased efficiency or increased data accuracy that would be gained by converting paper-based records systems to electronic record systems because the records are already managed in electronic form.

Although Glatfelter supports EPA's goal of ensuring that environmental records are secure, accurate and trustworthy, Glatfelter does not believe that provisions as expensive and extensive as the CROMERRR recordkeeping requirements are justified or necessary. Even though Glatfelter's existing electronic records do not meet the CROMERRR criteria, Glatfelter is nonetheless obligated to assure and maintain the accuracy of its records. Most, if not all, of the environmental data reports submitted US EPA, PA DEP and WI DNR are derived at least in part from electronic records, and a certification statement as to the truth and accuracy of the reported data accompanies the majority of these reports.

For the reasons given above, Glatfelter believes that EPA should withdraw the CROMERRR proposal. If the proposal is not withdrawn entirely, the recordkeeping provisions in Subparts A, C and D should be deleted. Thank you for the opportunity to comment on the CROMERRR proposal.

Sincerely,

GLATFELTER

A handwritten signature in black ink, appearing to read "Corey A. Brandt", with a large, stylized flourish at the end.

Corey A. Brandt  
Regulatory Program Manager – Air & Waste